

JUDGE RAKOFF

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



I. STEPHEN RABIN, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

THE NEW YORK TIMES COMPANY,  
DOW JONES & COMPANY, INC., and  
FORBES, INC.

Defendants.

Case No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

**SUMMARY OF ACTION**

1. This is a class action on behalf of plaintiff and others in the United States who have been induced to subscribe, or renew subscriptions, to the New York Times, Barron's, the Wall Street Journal, or Forbes Magazine (collectively the "Publications") by Circulation Billing Services and various related entities (collectively, "CBS" or the "entities") which obtained defendants' subscription lists, and other information concerning plaintiff and the class members without their consent or knowledge. The entities sent official looking "Notices of Renewal" or "Notices of New Order" to

subscribers of the Publications, collected the fees in excess of the subscription price, and then, upon information and belief, paid the subscription price to the publisher of the Publications and kept the excess for themselves, or kept the entire subscription amount for themselves and did not provide the subscription paid for. Defendants were aware of the entities falsely purporting to act on their behalf, but were satisfied that the entities were maintaining their subscription base at no cost to them, so that, with one exception, they failed to notify their subscribers of the scam.

2. In addition, defendants have profited from selling their subscription list and other information, and continue to sell their subscription lists and other information to the same sources that perpetrated or caused the scam to occur without notifying their subscribers. Defendants have knowingly permitted the names of their publications to be used by fraudsters to scam their subscribers so they could profit from maintaining their subscriber lists inexpensively and profit from the sale of their subscription lists and other information. Once defendants learned of the scam they had a duty to notify their subscribers of the fraud, as Barron's did on November 11, 2013, years after the scam had been well known to Barron's. A copy of Barron's warning is attached as Exhibit 1.

#### JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d) because the aggregate amount in controversy exceeds \$5,000,000.00 and there is diversity between a member of the plaintiff class and a defendant.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b). Defendants' principal place of business is in this District, and persons responsible to act to notify subscribers of the fraud are located in this district.

#### PARTIES

5. Plaintiff is a resident of New York State.

6. Defendant The New York Times Company is a New York corporation whose principal place of business is in this district ("Times"). Times is the publisher of the New York Times.

7. Defendant Dow Jones & Company, Inc. is a Delaware corporation whose principal place of business is in this district ("Dow Jones"). Dow Jones is the publisher of Barron's and the Wall Street Journal.

8. Defendant Forbes, Inc. is a Delaware corporation with its principal place of business in this district ("Forbes"). Forbes is the publisher of Forbes Magazine.

#### FACTUAL ALLEGATIONS

9. Plaintiff, at least from on or about July, 2011 up until the present, received in the mail official looking documents entitled "Renewal Notice" or "Renewal Notice/ New Order" for each of the Publications ("Notices"). The Notices were ostensibly soliciting Plaintiff's renewal of his subscription to the Publication indicated. A sampling of such notices received by plaintiff after he ceased responding to such notices is attached as Exhibit 2. Since September 2013, plaintiff has received in excess of fifteen notices

10. Defendants conspired with CBS or permitted CBS to defraud plaintiff and class members by various means, as a result of the Notices, including without limitation the following:

- (a) Overcharging plaintiff and class members for subscriptions and new orders;
- (b) Permitting the sender of the notices to remit to defendants the amount necessary for new orders or continuation of subscriptions and retaining excess amounts which they charged plaintiff;
- (c) Falsely indicating to plaintiff that subscriptions were about to lapse;
- (d) Falsely indicating to plaintiff that he had subscriptions to certain magazines other than magazines published by defendants herein;
- (e) Falsely indicating to plaintiff that the rates for subscriptions were low, when, in fact, they were exorbitant;
- (f) Substituting one magazine subscription for another without the consent of the subscribers.

11. The Notices stated that they were sent out by CBS and were authorized by the defendants. Additional entities in CBS are set forth in the warning issued by Catholic Digest and attached as Exhibit 3.

12. Defendants sold information concerning subscribers including, without limitation, names, addresses, and dates when subscriptions would expire. Plaintiff never consented to the release of this information, nor did the publications take any steps to limit the use or monitor the use of this information.

13. Defendants reasonably led Plaintiff to believe that CBS were legitimate entities authorized by defendants to solicit renewals of subscriptions which were about to expire, and that the prices were the lowest available. Defendants also reasonably led

Plaintiff to believe that the Renewal Notice was actually a bill for renewal and that if it was not paid, Plaintiff would no longer receive the publication in question.

14. Defendants conspired with, or permitted CBS, to charge plaintiff exorbitant rates for the purported renewals and sent him multiple renewal notices which plaintiff paid. Set forth in Exhibit 4 are the details of plaintiff's transactions with CBS. At no time did plaintiff receive a legitimate demand for renewal of his Publications. During the class period, defendants knew of the activities of CBS because they received numerous complaints concerning the activities of CBS which were also the subject of widespread publicity but took no action to alleviate or stop these activities by, with one exception, issuing public warnings or otherwise taking any action to alleviate or eliminate the scam. CBS continues to operate the scam set forth herein without any warning by defendants except for the warning issued by Barron's. Attached as Exhibit 5 are four internet articles outlining the details of the scam alleged herein.

15. Defendants participated in the scheme set forth above to sustain their subscriber base at a low cost and to profit from sales of their customer information.

#### CLASS ACTION ALLEGATIONS

16. Plaintiff brings this case as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of a class of all those who purportedly renewed subscriptions to, or placed new orders with the New York Times, Barron's, Forbes, or the Wall Street Journal through CBS, the ostensible subscription agents of defendants. The class period extends from the present back to the earliest date which the statute of limitations allows.

17. The members of the class are so numerous that joinder of all members is impracticable. Although the exact number of members of the class is unknown to plaintiff at this time and can only be ascertained through appropriate discovery, plaintiff reasonably believes there are thousands of members of the class.

18. Common questions of law and fact exist to all members of the Class, and predominate over any questions affecting only individual members. Among the questions of law and fact common to the Class are:

- (a) whether defendants participated in CBS's misleading plaintiff and the other members of the class to renew subscriptions at an unreasonably high price;
- (b) whether defendants committed fraud and deceit with respect to plaintiff and members of the class;
- (c) whether defendants owed a duty to plaintiff and the other members of the class to treat their confidential information carefully;
- (d) whether defendants violated their duty to plaintiff and the other members of the class by carelessly distributing their confidential information; and
- (e) whether defendants violated their duty to Plaintiff and the other members of the Class by failing to notify them of the fraud perpetrated upon them after Defendants had notice of the fraud.

19. Plaintiff's claims are typical of the claims of the members of the class, as plaintiff and the other members of the class sustained damages arising out of the same wrongful conduct by defendants as alleged herein.

20. Plaintiff will fairly and adequately protect the interests of the members of the class and has retained counsel competent and experienced in class action litigation. Plaintiff has no interests antagonistic to or in conflict with those of the class.

21. A class action is superior to all other available methods for the fair and efficient adjudication of the controversy since joinder of all members of the class is impracticable. Furthermore, as the damages suffered by the individual class members may be relatively small, the expense and burden of individual litigation makes it impracticable for members of the class to seek redress individually for the wrong done to them. There will be no difficulty in the management of this action as a class.

COUNT I  
FRAUD AND DECEIT

22. The allegations in the above paragraphs are incorporated by reference.

23. Defendants conspired with CBS to falsely represent that the Notices were authentic and offered the lowest prices.

24. The Notices were false in that they were not authentic and they charged inflated prices.

25. Defendants knew the Notices were false because of all the complaints lodged with defendants by their subscribers.

26. Plaintiff and the class reasonably relied on the Notices because they appeared, on their face, to be authentic.

27. Plaintiff and the class was damaged by their reliance on the false Notices by overpaying for subscriptions, not receiving subscriptions ordered, and receiving publications not ordered.

28. As a result, plaintiff is entitled to damages for the injury sustained from the Notices.

COUNT II  
VIOLATION OF SECTIONS 349 AND 350 OF THE NEW YORK GENERAL  
BUSINESS LAW

29. The allegations in the above paragraphs are incorporated by reference.

30. The acts complained of are “deceptive acts or practices” in violation of Section 349 of the New York General Business Law.

31. As a result, plaintiff and the class are entitled to: (a) an injunction against the deceptive acts, (b) the greater of damages for the injury they suffered or statutory damages, (c) attorneys’ fees, and (d) any other relief the Court deems proper.

COUNT III  
NEGLIGENCE

32. The allegations of paragraphs one through 21 are incorporated by reference.

33. The fact that plaintiff and each member of the class subscribed to a magazine published by defendants and had the magazine delivered to a particular address was confidential, personal information (“Information”). Defendants had a duty to plaintiff and each member of the class to act reasonably with respect to the Information.

34. Defendants violated their duty to act reasonably with respect to the Information by carelessly distributing the information so that CBS was able to access the information and perpetrate the fraud.

35. Defendants separately violated their duty to act reasonably with respect to the Information by failing to notify plaintiff and the members of the class as to the existence of the fraud once defendants became aware of the fraud.



36. As a result, plaintiff and the class are entitled to damages for the injury they suffered, and any other relief the Court deems proper.

PRAYER FOR RELIEF

Wherefore, plaintiff demands the relief set forth below and such other and further relief as the court deems appropriate:

- (a) An injunction enjoining defendants from conspiring with CBS and requiring each defendant to issue an appropriate warning against the activities of CBS,
- (b) A refund of any amounts paid by plaintiff and class members to CBS which were in excess of what defendants were charging for renewal subscriptions,
- (c) A refund of any amounts paid by plaintiff to CBS which were not remitted to defendants for renewal of subscriptions or new orders,
- (d) Damages to be determined at trial, in excess of \$5,000,000.00, and
- (e) Reasonable costs and expenses, including Plaintiff's legal fees.

JURY DEMAND

Plaintiff demands trial by jury.

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*Attorneys for Plaintiff and the Class*

# EXHIBIT 1

BARRON'S

M15

**ATTENTION**

# An Open Letter to Our Subscribers Regarding Fraudulent Renewal Notices

This is to alert you to a nationwide scam that has affected subscribers to many publications, including Barron's.

A number of companies that are not affiliated with Barron's and are not authorized to solicit subscriptions or accept payments on our behalf have been mailing unauthorized notices to customers urging them to renew their Barron's subscriptions, generally at rates that are significantly more expensive than the rates directly available from Barron's.

**We want to help protect you, our customer, by advising you on the best way to identify these unauthorized notices:**

- These companies operate under many different names, including Associated Publishers Network, Associated Publishers Subscription Services, Magazine Billing Network, Magazine Payment Services, National Magazine Services, Orbital Publishing Group, Publishers Billing Exchange, and United Publishers Service.
- Notices are styled as "Renewal Notice/New Order" or "Renewal Order."
- These solicitations instruct customers to send payment to post office boxes or private mailboxes (PMBs) located in Reno, Nevada; Henderson, Nevada; or White City, Oregon.
- They generally ask for payment of \$299.95 for a one-year subscription to Barron's, often divided into two installments of \$149.98.
- Legitimate payments for Barron's should be sent only to P.O. Box 7020, Chicopee, MA.

To see an example of the solicitations these companies have been sending to customers, please visit Barron's Customer Center online at [customercenter.barrons.com](http://customercenter.barrons.com).

Please be aware that this is an industry-wide problem, not isolated to Barron's, and we are working with state and federal authorities to stop this unauthorized activity.

The best way to avoid being deceived by false renewal notices is to enroll in automatic renewal. Please call **1-800-544-0422** and we'd be happy to help set this up.

If you receive a subscription renewal or new order notice that does not appear to be from Barron's, do not respond. Feel free to direct any queries to [reportsubscriptionfraud@dowjones.com](mailto:reportsubscriptionfraud@dowjones.com) or call **1-800-544-0422**.

**Thank you for being a customer.**

# BARRON'S

# EXHIBIT 2

CIRCULATION BILLING SERVICES

1-707-266-6675

Control Number	Installment
0214B-32302	\$59.98
Please Return By	Total Amount
April 7, 2014	\$119.95

Your subscription to FORBES is automatic with receipt of your payment when you choose to renew or order a new subscription. Fortunately, by acting now, you can lock in at one of our lowest rates!  
You're receiving one of the lowest available rates we can offer for your regular subscription.

Email: [customerservice@publisherspayment.com](mailto:customerservice@publisherspayment.com)  
**MAKE CHECK OR MONEY ORDER PAYABLE TO:**

CBS  
PO Box 2489 • White City, OR 97503

23515/5/100 \*\*\*\*\*AUTO\*\*3-DIGIT 105  
STEPHEN RABIN  
5 MOHICAN LN  
IRVINGTON NY 10533-1021



**FORBES**  
**48 ISSUES 2 YR(S)**



LPS RN 03/12 RENEWAL OFFER - NOT A BILL

NOTICE OF RENEWAL

Control Number	Installment
0214B-32302	\$59.98
Please Return By	Total Amount
April 7, 2014	\$119.95

FORBES  
48 ISSUES 2 YR(S)  
Installment Payment - 1/2 now and 1/2 next month  
☐ Check Here if Renewal  
☐ Bill Me Later ☐ NO THANK YOU

**For Credit Card Payment Go To:**  
**[www.publisherspayment.com](http://www.publisherspayment.com)**

**Make check or money orders payable to:**  
**CBS**

PHONE \_\_\_\_\_  
(for processing purposes)  
Please make any name or address corrections below:

STEPHEN RABIN  
5 MOHICAN LN  
IRVINGTON NY 10533-1021



DETACH HERE  
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

CONTROL NUMBER 1-0214-49528		ACCOUNT HOLDER'S NAME I STEPHEN RABIN	PLEASE RESPOND BY April 7, 2014
YEARS	ISSUES	MAGAZINE	
1	365	NEW YORK TIMES	\$1099.95
Total Amount:			\$1099.95

## ASSOCIATED PUBLISHERS NETWORK

850 S Boulder HWY #355 • Henderson, NV 89015

Your subscription to NEW YORK TIMES is automatic with receipt of your payment when you choose to renew or order a new subscription. Fortunately, by acting now, you can lock in at one of our lowest rates!

You're receiving one of the lowest available rates we can offer for your regular subscription.



3356/1/12 \*\*\*\*\*AUTO\*\*3-DIGIT 105

I STEPHEN RABIN

5 MOHICAN LN

IRVINGTON NY 10533-1021



UPE RN 07/12

RENEWAL OFFER - NOT A BILL

DETACH HERE  
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

CONTROL NUMBER	INSTALLMENT	AMOUNT
1-0214-49528	\$549.98	\$1099.95

PLEASE RESPOND BY: April 7, 2014

YEARS	ISSUES	MAGAZINE NAME
1	365	NEW YORK TIMES
<input type="checkbox"/> BILL ME LATER <input type="checkbox"/> INSTALLMENT <input type="checkbox"/> NO THANK YOU		

TO INSURE PROPER CREDIT

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Please make checks payable to:

APN

850 S Boulder HWY #355 • Henderson, NV 89015

TOLL FREE 1-866-437-7897

I STEPHEN RABIN

5 MOHICAN LN

IRVINGTON NY 10533-1021



Credit Card Payment Go To  
[www.unitedpubex.com](http://www.unitedpubex.com)

## CIRCULATION BILLING SERVICES

1-707-266-6673

Control Number	Installment
1113M-52692	\$59.98
Please Return By	Total Amount
February 10, 2014	\$119.95

Your subscription to FORBES is automatic with receipt of your payment when you choose to renew or order a new subscription. Fortunately, by acting now, you can lock in at one of our lowest rates!

You're receiving one of the lowest available rates we can offer for your regular subscription.

Email: [customerservice@publisherspayment.com](mailto:customerservice@publisherspayment.com)

MAKE CHECK OR MONEY ORDER PAYABLE TO:

CBS

PO Box 2489 • White City, OR 97503

40530/7/124 \*\*\*\*\*AUTO\*\*3-DIGIT 105  
 STEPHEN RABIN  
 5 MOHICAN LN  
 IRVINGTON NY 10533-1021



**FORBES**  
**48 ISSUES 2 YR(S)**



## NOTICE OF RENEWAL

Control Number	Installment
1113M-52692	\$59.98
Please Return By	Total Amount
February 10, 2014	\$119.95

FORBES

48 ISSUES 2 YR(S)

Installment Payment - 1/2 now and 1/2 next month

☐ Check Here If Renewal☐ Bill Me Later ☐ NO THANK YOU

For Credit Card Payment Go To:

[www.publisherspayment.com](http://www.publisherspayment.com)

Make check or money orders payable to:

CBS

PHONE \_\_\_\_\_

(for processing purposes)

Please make any name or address corrections below:

STEPHEN RABIN  
 5 MOHICAN LN  
 IRVINGTON NY 10533-1021

DETACH HERE  
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

LPS RN 03/12 RENEWAL OFFER - NOT A BILL

**CIRCULATION BILLING SERVICES****1-707-266-6673**

Control Number	Installment
1113M-52736	\$149.98
Please Return By	Total Amount
February 24, 2014	\$299.95

Your subscription to BARRONS is automatic with receipt of your payment when you choose to renew or order a new subscription. Fortunately, by acting now, you can lock in at one of our lowest rates!

You're receiving one of the lowest available rates we can offer for your regular subscription.

Email: [customerservice@publisherspayment.com](mailto:customerservice@publisherspayment.com)

**MAKE CHECK OR MONEY ORDER PAYABLE TO:**

**CBS**

PO Box 2489 • White City, OR 97503

10434/3/44 \*\*\*\*\*AUTO\*\*3-DIGIT 105

STEPHEN RABIN

5 MOHICAN LN

IRVINGTON NY 10533-1021



**BARRONS**

**52 ISSUES 1 YR(S)**

**NOTICE OF RENEWAL**

Control Number	Installment
1113M-52736	\$149.98
Please Return By	Total Amount
February 24, 2014	\$299.95

**BARRONS**

**52 ISSUES 1 YR(S)**

Installment Payment - 1/2 now and 1/2 next month

☐ Check Here If Renewal

☐ Bill Me Later ☐ NO THANK YOU

**For Credit Card Payment Go To:**

**[www.publisherspayment.com](http://www.publisherspayment.com)**

**Make check or money orders payable to:**

**CBS**

**PHONE**

(for processing purposes)

**Please make any name or address corrections below:**

STEPHEN RABIN

5 MOHICAN LN

IRVINGTON NY 10533-1021



DETACH HERE  
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

LPS RN 03/12 **RENEWAL OFFER - NOT A BILL**



**NEW YORK TIMES**Toll Free:  
**1-866-437-7897**

CONTROL NUMBER 4-1113-372		ACCOUNT HOLDER'S NAME I STEPHEN RABIN	PLEASE RESPOND BY February 24, 2014
YEARS	ISSUES	MAGAZINE	
1	365	NEW YORK TIMES	\$1099.95
Total Amount:			\$1099.95

**ASSOCIATED PUBLISHERS NETWORK**

850 S Boulder HWY #355 • Henderson, NV 89015

Your subscription to NEW YORK TIMES is automatic with receipt of your payment when you choose to renew or order a new subscription. Fortunately, by acting now, you can lock in at one of our lowest rates!

You're receiving one of the lowest available rates we can offer for your regular subscription.



811/1/4 \*\*\*\*AUTO\*\*MIXED AADC 605  
I STEPHEN RABIN  
5 MOHICAN LN  
IRVINGTON NY 10533-1021



UPE RN 07/12

RENEWAL OFFER - NOT A BILL

**RENEWAL NOTICE**

CONTROL NUMBER	INSTALLMENT	AMOUNT
4-1113-372	\$549.98	\$1099.95

PLEASE RESPOND BY: February 24, 2014

YEARS	ISSUES	MAGAZINE NAME
1	365	NEW YORK TIMES
<input type="checkbox"/> BILL ME LATER <input type="checkbox"/> INSTALLMENT <input type="checkbox"/> NO THANK YOU		

TO INSURE PROPER CREDIT  
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Please make checks payable to:

APN

850 S Boulder HWY #355 • Henderson, NV 89015  
TOLL FREE 1-866-437-7897

I STEPHEN RABIN  
5 MOHICAN LN  
IRVINGTON NY 10533-1021


 DETACH HERE  
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

**Credit Card Payment Go To**  
**[www.unitedpubex.com](http://www.unitedpubex.com)**

# EXHIBIT 3

## SUBSCRIBER ALERT - Unauthorized Renewals and Subscriptions

A number of companies/individuals are selling subscriptions and renewals without authorization from us. The companies we are aware of are listed below. Please do not purchase any renewals or new orders through any of these companies:

Allied Publishing Service, Inc	Magazine Billing Services	Publishers Magazine Payment
Allied Publishing Services	Magazine Billing, LLC	Publishers Magazine Services
American Consumer Publishing Association	Magazine Distribution Service (MDS)	Publishers Marketplace of America
American Consumers Publishers Association	Magazine Payment Services	Publishers Marketplace Services
American Media	Magazine Payment Services, Inc	Publishers Network Exchange
Associated Publishers	Magazine Subscriber Services	Publishers Payment Services
Associated Publishers Services	Magazine Subscription Services Inc	Publishers Periodical
Associated Publishers Subscription Services	Magazine Subscriptions Center	Publishers Periodical Service
Back to Backs Inc	Midwest Marketing	Publishers Processing Service
Billing Emporium	National Magazine Service	Publishers Processing Services, Inc
Billing Services Association (BSA)	National Magazine Services	Publisher's Service
Billing Services of America	Orbital Publishing Group	Publishers Service Exchange
Bradford Publishing Service	Orbital Publishing Group, Inc	Publishers Service Network
Central Publishers Services	Periodical Billing Center	Publishers Services Exchange
Circulation Billing Center	Periodical Billing Services	Readers Billing Network
Circulation Billing Services	Platinum Publishing Service	Readers Billing Service
Dennis Simpson	Platinum Subscription Service	Readers Billing Services
Dominate Marketing, LLC	Publication Center	Readers Payment Center
Epic Subscriptions	Publication Service Networks	Readers Payment Service
Global Publication Service	Publishers Access Service	RJS Group
Global Publishers Center	Publishers Access Services	Seascope Publishers Network
IC Marketing	Publishers Billing Association (BPA)	Slo Call Center
Innovative Data Services	Publishers Billing Center	Subscriber Billing Services
Lakeshore Publication Service	Publishers Billing Exchange (PBE)	Subscription Billing Service
Lakeshore Publishers Service	Publishers Billing Service	Subscription Business Center
Magazine Billing and Collection Service	Publishers Billing Services	Subscription Payment Exchange
Magazine Billing Network	Publishers Consolidated Subscription Services	Subscription Payment Services (SPS)
Magazine Billing Service, Inc.	Publishers Consulting Service	Subscription Processing
	Publishers Distribution Center	United Publishers Network
	Publishers Education Services	United Publishers Services
	Publishers Magazine Billing	United Subscriber Billing, LLC
		Western Pacific Publishing Corp

These companies are not authorized representatives of **Catholic Digest**. You can often recognize these offers because they appear to be an invoice. We cannot guarantee that any orders placed through them will be submitted to us. Thank you for your help in this important matter.

**Note:** **Catholic Digest** does use several legitimate subscription services to sell our publication. If you have a question about any subscription agency, please feel free to contact our customer service team at 1-800-678-2836 or catholicdigest@sfsdayton.com.

# EXHIBIT 4

**Record of Payments by Plaintiff for Subscriptions to Publications Indicated**

<b>Publication</b>	<b>Check No</b>	<b>Date of Check</b>	<b>Payee</b>	<b>Amount</b>
Barron's	7630	7/22/2011	CBS	299.95
Barron's	7854	6/11/2012	CBS	169.95
Forbes	7855	6/11/2012	CBS	119
Wall Street Journal	7856	6/11/2012	CBS	249.95
Forbes	7966	9/21/2012	CBS	119
NY Times	8006	10/19/2012	APN	879
Forbes	8062	1/18/2013	CBS	119
NY Times	8082	2/28/2013	APN	999.95
Barron's	8102	3/22/2013	CBS	299.95
Forbes	8110	4/28/2013	CBS	84.52
Forbes	8138	5/15/2013	CBS	999.95
Forbes	8198	7/24/2013	CBS	119.95
Barron's	8199	7/24/2013	CBS	299.95
NY Times	8200	7/24/2013	CBS	999.95
Wall Street Journal	8237	9/11/2013	APN	599.95
			<b>TOTAL</b>	<b>6360.02</b>

# EXHIBIT 5



Search

59°

FOLLOW US

Sign Up for Newsletters

Buy Tickets Your Home More

LOGIN REGISTER

Home News Weather Sports Traffic Health Best of Events Watch + Listen Places Travel Deals Autos Circulars  
Latest News Local Consumer News Politics Business Health Entertainment National World Galleries



## SEVERE WEATHER

Alerts | Weather Map | Radar | Closings | Traffic | Photos | Submit Weather Photos

## LATEST NEWS

### Don't Get Ripped Off On Magazine Renewals

July 1, 2013 6:35 PM

Like 2 4 5

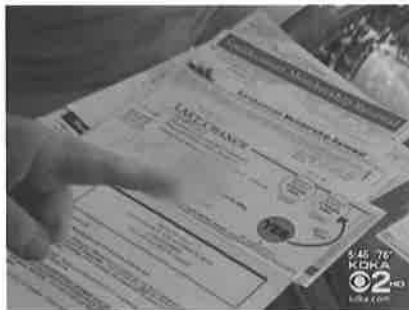


Photo Credit: KDKA

PITTSBURGH (KDKA) – If you get a notice in the mail telling you it's time to renew your magazine subscription, make sure you read that renewal carefully.

You could be getting ripped off!

Consumer Editor Susan Koeppen talked with a local man who says he feels duped by a magazine renewal he received in the mail.



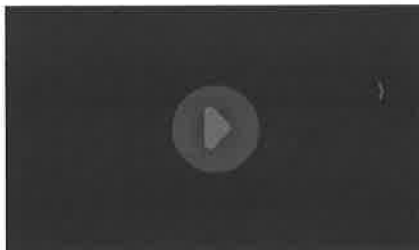
Reporting Susan Koeppen

#### Filed Under

Better Business Bureau, Consumer News, Koeppen's Corner, News, Syndicated Local, Watch + Listen

#### Related Tags

BBB, Better Business Bureau, Billing Services, Casey Lilly, Circulation Billing Center, Consumer, Federal Law, KDKA, Magazine, National Magazine Service, Publisher's Billing Services, Smithsonian Magazine, Subscription, Susan Koeppen



Casey Lilly has been a long-time subscriber to Smithsonian Magazine. "We got I guess you could call it a mailer and it was from Magazine Billing Services," says Lilly.

His wife sent off a check for \$99.95 to the company. But a week later – a renewal notice arrived directly from Smithsonian.

"And the actual price of the magazine was like half the price, more than half the price."

### SOUTH HILLS

**2013 KIA OPTIMA**  
ONLY \$199 A MONTH

10 YEAR 100,000 MILE WARRANTY

**ALL NEW 2013 KIA RIO**  
FROM JUST \$129 A MONTH

Disclaimer: Payments are 36 month KMC lease with 12,000 miles per year. \$4995 cash or trade down. Payments plus taxes, must qualify for competitive & Military incentives. Well qualified buyers only. First payment and plate less due at delivery.

Route 19, Peters Township  
**southhillskia.com**

Today's Circulars



Fall Savings Made Easy

Fall Apparel For The Whole Family

Get Snacks Starting At \$1

LATEST NEWS VIDEO

The real price for Smithsonian magazine was \$34. The Lilly's overpaid Magazine Billing Services by more than \$65.

"Since it said billing services, we thought it was tied to Smithsonian Magazine," recalls Lilly.

The mailer from Magazine Billing Services looked legit. It had "notice of renewal" in big red letters, but the company has no actual ties to Smithsonian Magazine. Casey Lilly says the service took his money but never renewed his subscription.

Turns out, the Better Business Bureau has received hundreds of complaints about Magazine Billing Services. And according to the BBB, the company goes by dozens of other names like Circulation Billing Center, National Magazine Services and Publisher's Billing Services.

"Just because you received a solicitation that mentions the name of the magazine or the publication that you are already subscribed to, it may not be coming from that magazine," says Caitlin Vancas of the Better Business Bureau.

Under federal law — solicitations that look like bills must clearly state: "this is not a bill" and "you are under no obligation to pay".

Casey Lilly says he never noticed the disclaimer on the solicitation he received.

"Go through the magazine, don't go through a second billing service like this," advises Lilly.

He contacted Magazine Billing Services for a refund but he is still waiting for it. When KDKA contacted the company, we were told a supervisor would call us back, but we never received a phone call.

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7:00 PM	KDKA-TV News
7:30 PM	omg! Insider
8:00 PM	Mike & Molly
8:30 PM	Mike & Molly
9:00 PM	NCIS: Los Angeles
10:00 PM	48 Hours
11:00 PM	KDKA-TV News at 11
11:35 PM	Steelers Huddle

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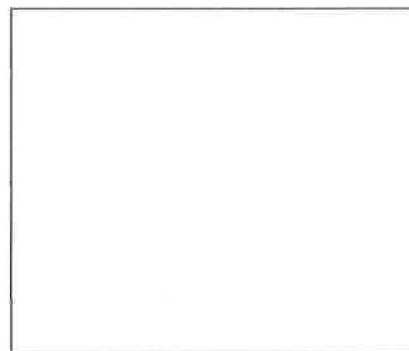
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Better Business Bureau®

In Northern Nevada

## BBB BUSINESS REVIEW

What is a BBB Business Review?

### THIS BUSINESS IS NOT BBB ACCREDITED

#### Publishers Billing Exchange

(888) 586-7753

*View Additional Phone Numbers*

216 Lemmon Dr PMB 357, Reno, NV 89506-8701  
<http://www.subscriptionbusinesscenter.com>

View BBB Rating for Publishers Billing Exchange's headquarters.

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#### BBB Accreditation

Publishers Billing Exchange is not BBB Accredited.

Businesses are under no obligation to seek BBB accreditation, and some businesses are not accredited because they have not sought BBB accreditation.

To be accredited by BBB, a business must apply for accreditation and BBB must determine that the business meets BBB accreditation standards, which include a commitment to make a good faith effort to resolve any consumer complaints. BBB Accredited Businesses must pay a fee for accreditation review/monitoring and for support of BBB services to the public.

#### BBB Complaint Information

Find aggregate BBB complaint information for Publishers Billing Exchange. BBB located in DuPont, WA has the full report as that BBB handles all complaints for Publishers Billing Exchange.

#### Additional Information

BBB file opened: 08/24/2006

##### Type of Entity

Corporation

Incorporated: January 2010, NV

##### Contact Information

Principal: Ms. Laura Lovrien (President)

##### Business Category

Magazines - Subscription Agents

##### Alternate Business Names

Orbital Publishing Group, Inc., Allied Publishing Services, American Consumers Publishers Association, Associated Publishers Services, Associated Publishers Subscription Services, Billing Services Association, Billing Services of America, Bradford Publishing Service, Circulation Billing Center, Circulation Billing Services, Global Publication Service, Global Publishers Center, Innovative Data Services, Lake Shore



Publishers Service, Lakeshore Publication Service, Magazine Billing Network, Magazine Billing Services, Magazine Distribution Service, Magazine Payment Services, Magazine Subscriber Services, Magazine Subscriptions Center, National Magazine Services, Periodical Billing Center, Periodical Billing Services, Platinum Subscription Service, Publication Service Networks, Publishers Access Services, Publishers Billing Center, Publishers Billing Services, Publishers Consolidated Subscription Services, Publishers Distribution Center, Publishers Education Services, Publishers Magazine Billing, Publishers Magazine Payment, Publishers Marketplace Services, Publishers Network Exchange, Publishers Payment Services, Publishers Periodical Service, Publishers Processing Service, Publishers Services Exchange, Readers Billing Network, Readers Billing Service, Readers Billing Services, Readers Payment Center, Readers Payment Service, Seascope Publishers Network, Slo Call Center, Subscription Billing Service, Subscription Payment Exchange, Subscription Payment Services, United Publishers Services, Subscription Business Center, Seascope Publications Service, SPS, Publishers Billing Association, Seascope Publishing Services

#### Industry Tips

SOLICITATIONS DISGUISED AS BILLS  
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## Watch for sneaky magazine sales

What looks like a bill isn't always a bill. Read the fine print before you pay.

July 20, 2011 | Paul Muschick | The Watchdog

Opening the mail is such a joy these days. It's bad enough that most of the envelopes contain bills. But you can't even trust that what looks like a bill really is a bill anymore.

I was pretty sure there would be nothing good inside one white envelope, because it had no postmark and no return address on the front. I was right.

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## FIND MORE STORIES ABOUT

Magazine

It contained a "notice of renewal/new order" for [Sports Illustrated](#). The top left said "CIRCULATION BILLING SERVICES." Sure looked like a bill, for \$99.95, or two installments of \$49.98. It was addressed in my name, and even had a "control number."

But since I don't subscribe to Sports Illustrated, the magazine would have no reason to send me a renewal notice. And it hadn't. What looked like an invoice really was a sales offer from a different [company](#). The offer has two corporate names, CBS and Orbital Publishing Group, both of the same address in Reno, Nev.

The disclosure is on the back. It says the offer is from an independent subscription agent between magazine publishers and clearinghouses, and it may not even have a direct relationship with the publications it offers. So how is it going to get me my magazine if I order?

"With your purchase you authorize us and our suppliers to process and clear your order with the publishers directly or by whatever means available," the disclosure says. "This is a magazine subscription offer, not a bill or invoice. You are under no obligation to either buy a magazine or renew at this time. However your [business](#) is greatly appreciated."

I'm not the only one that doesn't appreciate such sneaky sales tactics. More than 400 people have filed complaints with the Better Business Bureau.

This offer could easily have been mistaken for a bill by someone who doesn't [read](#) their mail closely. The Better Business Bureau says Orbital Publishing Group and Circulation Billing Services at that Reno address are alternate business names for Publishers Billing Exchange, which has an F grade based on 419 complaints in the past three years, 316 of them in the past year.

The BBB's report includes tips for identifying solicitations disguised as bills.

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## Guide to Billing Services

Free: Selecting a Billing Service Tips for making the right choice

ADP.AdvancedMD.com/NewYork

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## How Can I Tell if I Am Being Scammed by Someone Posing as an Agent of The Nation?

Example of a scam mailer below. [See larger version of scam image here »](#)



[View legitimate Nation solicitation material »](#)

## Renewal Mailing Scam

We have received many complaints about an unauthorized company targeting our subscribers with an invalid renewal offer.

They use the following aliases:

- Billing Services Association
- Billing Services of America
- Circulation Billing Center
- Circulation Billing Services
- Magazine Billing Services
- Magazine Billing Network
- Magazine Billing Services
- Magazine Distribution Services
- National Magazine Services
- National Magazine Subscriptions
- Orbital Publishing Group
- Periodical Billing Services
- Publishers Billing Association
- Publishers Billing Center
- Publishers Billing Exchange
- Publishers Payment Processing, Inc.
- Publishers Subscription Services
- Readers Billing Network
- Readers Billing Services
- Readers Payment Center
- Readers Payment Services
- United Publishers Services

We are not affiliated with this company. We do not know how the scam artists obtain the mailing lists they use to victimize subscribers.

This company is based in Reno, Nevada and recently expanded its operations to White City, Oregon. The individuals running this scam pose as legitimate subscription sales agents for *The Nation* and other magazine publishers. They illegally contact our readers, charging them a \$99.95 fee, 70% of which they pocket as their "commission."

They operate strictly through the postal service and do not contact subscribers by telephone or e-mail.

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